

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 CHARLES V. FARNSWORTH, ) CASE NO. C08-0820-JCC-MAT  
09 Plaintiff, )  
10 v. ) ORDER DENYING PLAINTIFF'S  
11 ROBERT J. PALMQUIST, et al., ) MOTION TO AMEND COMPLAINT  
12 Defendant. )

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14 This is a civil rights action brought under 42 U.S.C. § 1983. Currently ripe for  
15 consideration by the Court are defendants' motion for summary judgment, plaintiff's motion to  
16 amend his complaint, and plaintiff's motion to stay defendants' motion for summary judgment  
17 pending disposition of plaintiff's motion to amend. The Court, having reviewed the parties'  
18 motions, and the balance of the record, does hereby ORDER as follows:

19 (1) Plaintiff's motion to stay defendants' motion for summary judgment pending  
20 disposition of plaintiff's motion to amend (Dkt No. 22) is GRANTED.

21 (2) Plaintiff's motion for leave to amend his complaint (Dkt. No. 20) is DENIED. On  
22 May 23, 2008, plaintiff submitted to the Court for filing a complaint for declaratory judgment in

ORDER DENYING PLAINTIFF'S  
MOTION TO AMEND COMPLAINT  
PAGE -1

01 which he alleged that the Warden of the Federal Detention Center at SeaTac, Washington ("FDC  
02 SeaTac"), Robert Palmquist, had failed to ensure that there were effective informal resolution  
03 procedures in place at the institution. Plaintiff now seeks to amend his complaint to substitute  
04 claims concerning the visitation policies at FDC SeaTac for his original claims concerning the  
05 grievance process, and he seeks to substitute a request for money damages for his original request  
06 for a declaratory judgment.

07 Rule 15(a) of the Federal Rules of Civil Procedure provides that leave to amend "shall be  
08 freely given when justice so requires." In this Court's view, justice does not require that plaintiff  
09 be permitted to transform this action into a completely new lawsuit. If plaintiff wishes to pursue  
10 his claims concerning the visitation policies at FDC SeaTac, he may do so in a separate action.

11 (3) Defendants' motion for summary judgment (Dkt. No. 18) is RE-NOTED on the  
12 Court's calendar for consideration on ***November 7, 2008***. Plaintiff must file and serve any  
13 response to defendants' motion not later than ***November 3, 2008***. Defendants must file and serve  
14 any reply brief not later than the date designated for consideration of the motion.

15 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
16 defendants, and to the Honorable John C. Coughenour.

17 DATED this 9th day of October, 2008.

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20 Mary Alice Theiler  
21 United States Magistrate Judge  
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